



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/426,135	10/25/1999	NORIHISA HANEDA	0905-0225P	1465

7590

12/03/2002

BIRCH STEWART KOLASCH BIRCH LLP
P O BOX 747
FALLS CHURCH, VA 220400747

EXAMINER

RAHIMI, IRAJ A

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/426,135

Applicant(s)

HANEDA, NORIHISA

Examiner

(Iraj) Alan Rahimi

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/696,062.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant made some grammatical changes to claims 3 and 7 without changing the substance of the claims.

Response to Arguments

2. Applicant's arguments filed on September 16, 2002 have been fully considered but they are not persuasive. Applicant argued that Neff described a technique for enabling quality reprints of photographic images to be generated from an original print, instead of previously developed negative. Examiner respectfully disagrees and takes the applicant's attention to column 3, lines 44-47 where it states that a negative filmstrip, which has been previously developed, is passed through a scanner. Applicant additionally argued that Neff does not teach storing digital image data and data representing the size of an effective image in a mutually corrected form. Neff although does not specifically states size of an image to be stored along with the digital image, he makes it clear that any other desired instruction or information may be added to the digital record (column 3, lines 63-67). Size of image is certainly a piece of information that can be easily programmed or selected to be attached with the digital record. Neff goes to also teach that images can be manipulated like cropping and enlarging (column 4, lines 30-37) and later teaches storing of the images in column 4, lines 53-56. Therefore, by connecting various teachings of Neff in the reference all limitations of the claims 3 and 7 are met.

Applicant continued his argument for claim 8 that Neff fails to teach or suggest the operation, performed in response to a reduced-image display command, of manipulating "the reduced-image data to reduced image data representing a reduced-image data representing reduced image

Art Unit: 2622

having an aspect ratio stipulated by the data representing the size of the effective image.” Again Neff teaches manipulation of the digital image data. Such manipulation includes reducing, enlarging, cropping, etc. In order for reduction or enlargement to occur, one must alter the aspect ratio to obtain the desired effect. As noted the teachings of Neff may not be explicit to match the wording of the claims, but Neff certainly suggests at minimum and teaches in specifics, different principals that are used in image processing that are equally applicable to the claims in this case.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 3, 4, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Neff et al. (U.S. patent 5,841,885).

Regarding claim 3, Neff et al. discloses a reproduction apparatus comprising:

display means (Fig. 4, item 50) for reading digital image data from a recording medium (column 4, lines 38-52) on which the digital image data and data representing the size of an effective image have been stored in mutually correlated form, and displaying an image which represents the digital image data that have been read; and aspect altering means responsive to an entered aspect alteration command for rewriting the data representing the size of the effective image, which data have been recorded on the recording medium, by new data representing an

Art Unit: 2622

instructed size for the effective image. (column 4, lines 21-38). Changing image size through cropping, enlarging and aspect ratio are considered to be analogous.

Regarding claim 4, Neff et al. discloses an apparatus according to claim 3, wherein said display means displays an image having an aspect ratio decided based upon the data representing the size of the effective image (column 4, lines 41-49).

Regarding claim 7, Neff et al. discloses a reproduction apparatus comprising:
readout means (Figure 4, item 50) for reading data out of a recording medium (column 4, lines 38-52) on which digital image data and data representing the size of an effective image have been stored in mutually correlated form; manipulating means (column 3, lines 56-68) for manipulating the digital image data, which have been read out by said readout means, to image data representing an image having an aspect ratio (column 4, lines 21-38) stipulated by the data representing the size of the effective image; and display means (Fig. 4, item 50) for displaying the image represented by the image data manipulated by said manipulating means. Changing image size through cropping, enlarging and aspect ratio are considered to be analogous.

Regarding claim 8, Neff et al. discloses an apparatus according to claim 7, wherein said recording medium (column 4, lines 38-52) stores in mutually correlated form, original digital image data (column 3, lines 45-48, reduced-image data and data representing the size of the original digital image data and data representing the size of the effective image (column 4, lines 53-55 & column 5, lines 5-10 & column 4, lines 63-68); said manipulating means, in response to

Art Unit: 2622

a reduced image display command, manipulates the reduced-image data to reduced-image data representing a reduced image having an aspect ratio stipulated by the data representing the size of the effective image (column 4, lines 30-38; cropping and reducing are considered analogous) ; and the reduced image represented by the reduced-image data manipulated by said manipulating means is displayed on said display means (Fig. 4, item 50).

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Contact Information


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Iraq) Alan Rahimi whose telephone number is 703-306-3473. The examiner can normally be reached on Mon.-Fri. 7:30-4:00.

Art Unit: 2622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.


Alan Rahimi
November 26, 2002


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600